

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: WORLD TRADE CENTER  
DISASTER SITE LITIGATION

21 MC 100 (AKH)

PRESTON FUCCI & MARIELLA COLEMAN,

Plaintiff(s),

STIPULATION OF  
VOLUNTARY DISMISSAL

-Against-

A RUSSO WRECKING, *et al.*,

Civil Action No.: 06cv11317


Defendant(s),

IT IS HEREBY STIPULATED AND AGREED, by and between the parties that, pursuant to the Federal Rule of Civil Procedure 41(a)(1)(A)(ii):

1. The above-captioned Plaintiffs' action are voluntarily dismissed with prejudice pursuant to the following terms and conditions:
2. All claims by the above-captioned Plaintiffs against all Defendant(s) or against any Defendant arising out of or relating in any way to World Trade Center-related rescue, recovery, and/or debris-removal operations and/or clean up at any location on and/or after September 11, 2001, are voluntarily dismissed with prejudice.
3. All claims that were asserted or could have been brought in relation to Plaintiffs' existing pleadings are dismissed with prejudice.
4. This dismissal is without prejudice solely in relation to a second injury to the extent permitted by New York State law and as may be defined by any court having jurisdiction over any such later-filed complaint. If after this Stipulation is filed Plaintiff commences an action asserting such alleged second injury claims against any or all of the entities listed on Exhibit A to the World Trade Center Litigation Settlement Process Agreement, As Amended ("Amended SPA"), such action shall constitute a "New Debris Removal Claim" as defined in the Amended SPA.
5. The dismissal is without costs.

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Dated: October 24, 2011

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By:

  
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Dated: October 24, 2011

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By:

  
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Dated: October 24, 2011

SO ORDERED:  
  
ALVIN K. HELLERSTEIN, U.S.D.J.  
7/25/11